

September 25, 2020

Christopher S. Finnerty
chris.finnerty@klgates.com

By ECF

T +1 617 261 3123
F +1 617 261 3175

The Honorable Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Energizer Brands, LLC v. My Battery Supplier, LLC*, No. 1:19-cv-06486-AMD-CLP;
Eminah Properties LLC, et al. v. Energizer Holdings, Inc., et al, No. 1:20-148-AMD-CLP:
Energizer's Motion to Stay Discovery in Related Cases Pending Determination on
Motion to Consolidate for Remaining Discovery Purposes**

Dear Judge Pollak:

Energizer Brands, LLC and Energizer Holdings, Inc. ("Energizer") respectfully request that the Court enter a stay of remaining discovery in both of the above-captioned actions pending a determination on Energizer's Motion to Consolidate for Remaining Discovery.¹ Energizer attempted to confer with counsel for My Battery Supplier, LLC and Eminah Properties LLC in advance of filing this letter, but received no response.

For the reasons detailed in the Motion to Consolidate, which is incorporated fully herein, consolidation for the purpose of all remaining discovery will eliminate redundancies, maximize efficiencies, and preserve the Parties' and the Court's resources in favor of a more streamlined discovery process. Discovery to date has revealed material overlapping issues, and allowing the actions to proceed on separate discovery tracks will result in significant and needless duplication and burden on the Parties and the Court (such as the filing of multiple duplicative discovery motions in the *Eminah* Action on disputes that are already pending in the *Energizer* Action). Consolidation, on the other hand, will allow all remaining discovery to be completed in a more efficient and streamlined matter, after which the cases can proceed on separate tracks towards summary judgment and trial. Pending a decision on the Motion to Consolidate, a stay is appropriate in order to avoid the needless duplication and expenditures that the Motion to Consolidate is squarely aimed at avoiding.

Energizer respectfully requests that the Court stay discovery in the above-captioned actions pending the Court's determination on the Motion to Consolidate for Remaining Discovery Purposes.

¹ Docket Nos. 58 and 29, respectively.

Respectfully submitted,

K&L GATES LLP

/s/ Christopher S. Finnerty

Christopher S. Finnerty (*pro hac vice*)

CC: All counsel of record via ECF